IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.8271 OF 2003

Dilip Ramkishor Gupta : Petitioner

V/s.

Lonavala Municipal Council & Ors. : Respondents

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Mr.V.P.Sawant for the petitioner.

Mr.S.V.Pitre for respondent no.1.

Mr.K.Y.Mandlik for respondent nos.2 to 5.

Mr.V.Y.Sanglikar for respondent no.10.

Mr.A.P.Vanarse, Asstt. Govt. Pleader, for respondent no.13.

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CORAM : S.RADHAKRISHNAN & S.A.BOBDE, JJ.

December 7, 2004.

P.C.:

1. Heard the learned counsel for the petitioner and the respondents.

2. The petitioner states that he had purchased a shop in a building by a conveyance deed dated 19.2.1976. In the very conveyance deed, it is mentioned that a part completion certificate was issued with regard to the

aforesaid building on 5.3.1994 and a full completion certificate was issued on 28.3.1994. It is the contention of the petitioner that in April 2000, the petitioner decided to sell the said shop no.2 in the building known as "Sai Vihar". The petitioner states that in April 2000, he came to know that the building itself was not constructed legally and that there were several violations of law. It appears that certain criminal complaints were filed in the above matter by the petitioner.

3. This petition has been lodged on 29.4.2003 after a lapse of three years. There is absolutely no explanation with regard to the aforesaid delay in the above matter. We have also perused the affidavit-in-reply dated 19.10.2004 filed on behalf of the respondent Municipal Council categorically mentioning that there are no violations whatsoever in the said construction. Under these circumstances, we are not inclined to exercise our discretion under Article 226 of the Constitution of India to interfere.

4. Accordingly, the petition is dismissed.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)